Filing date:

ESTTA Tracking number:

ESTTA761316 07/29/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92063924		
Party	Defendant Jackson Hole Distillery, LLC DBA Jackson Hole Still Works		
Correspondence Address	JACKSON HOLE DISTILLERY LLC DBA JACKSON HOLE STILL WORKS 6250 PAINTBRUSH TRAIL, WILSON, WY 83014 UNITED STATES		
Submission	Answer		
Filer's Name	Mark J. Longfield		
Filer's e-mail	mlongfield@tetonlaw.com		
Signature	/mjl/		
Date	07/29/2016		
Attachments	JHSW Answer and Affirmative Defenses.pdf(832281 bytes)		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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In	the	NA	atter	at.

Trademark Registration No. 4952567 For the mark HIGHWATER Date Registered: May 3, 2016

High Water Brewing,	
Petitioner,	Cancellation No. 92063924
v.)	
Jackson Hole Distillery, LLC doing business as Jackson Hole Still Works,	
Respondent.	

ANSWER AND AFFIRMATIVE DEFENSES

Respondent Jackson Hole Distillery, LLC, by and through Teton Law Group, LLC, hereby answers Petitioner's Petition for Cancellation. Petitioner filed its Petition for Cancellation in the above captioned matter on June 14, 2016 (the "Petition") alleging that Respondent's "Highwater" trademark, registered on May 3, 2016 in International Class 033 ("Respondent's Mark") is confusingly similar to Petitioner's "High Water Brewing" trade name. The United States Patent and Trademark Office correctly approved and registered Respondent's Mark on the basis that is in a separate class, and is a different and distinct from any existing trade mark or trade name rights of Petitioner. Respondent answers Petitioner's specific averments as follows:

ANSWER

- 1. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 2. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 3. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 4. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 5. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 6. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 7. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 8. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 9. Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment.
- 10. This paragraph sets forth a legal conclusion to which no response is required.
- 11. Respondent hereby restates and incorporates the responses set forth in Paragraphs 1-10 of this Answer in response to Paragraph 11 of the Petitioner's petition.
- 12. Admit.

- 13. Deny.
- 14. To the extent that this paragraph sets forth a factual averment, Respondent is without knowledge or information sufficient to form a belief as to the truth of this averment. To the extent that this paragraph sets forth a legal conclusion, no response is required.
- 15. To the extent that this paragraph sets forth a factual averment, Respondent denies the averment. To the extent that this paragraph sets forth a legal conclusion, no response is required.
- 16. To the extent that this paragraph sets forth a factual averment, Respondent denies the averment. To the extent that this paragraph sets forth a legal conclusion, no response is required.
- 17. Admit and deny. Respondent admits that its products travel in similar sales channels, but denies that Respondents' products travel in the same sales channels.
- 18. Deny.
- 19. This paragraph sets forth a legal conclusion to which no response is required.

AFFIRMATIVE DEFENSES

- The petition is barred by the equitable doctrine of laches. Petitioner delayed any action or
 opposition to Respondent's Mark until after the registration of the Respondent's Mark, at
 which time Respondent had invested significant advertising and manufacturing resources
 in the use of Respondent's Mark.
- 2. The Petition is barred by the equitable doctrine of estoppel. Petitioner delayed any action or opposition to Respondent's Mark until after the registration of the Respondent's Mark, at which time Respondent had invested significant advertising and manufacturing resources in the use of Respondent's Mark.

WHEREFORE Respondent respectfully request that the Petition be denied, and for such other relief as the Trademark Trial and Appeal Board may deem just and appropriate. This Answer and Affirmative Defenses is being filed electronically with United States Patent and Trademark Office Trademark Trial and Appeal Board.

BY:

Mark J. Longfield (WY Bar# 6-4445)

Teton Law Group, LLC

PO Box 594

Jackson, WY 83001

Attorney for Respondent

Date: 7/29/16

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Entry of Appearance has been served on Karen Hawkes Esq., The Craft Beer Attorney, APC by electronic mail to karen@craftbeerattorney.com on July 29, 2016, per mutual consent to electronic service between the attorneys for the parties to this matter.

Mark J. Longfield